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EXAMINER

SRIVASTAVA, V

ART UNIT	PAPER NUMBER
2711	28

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>08/697,542</b>	Applicant(s) <b>Robert S. Block</b>
	Examiner <b>Vivek Srivastava</b>	Group Art Unit <b>2711</b>

Responsive to communication(s) filed on Jun 12, 2000.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 16-18, 23-40, 42, and 44-54 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) 35 and 36 is/are allowed.

Claim(s) 16-18, 23-34, 37-40, 42, and 44-54 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 16 - 18, 22, 27 - 33, 37, and 45 - 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over West.

Considering claim 16, West discloses the following claimed subject matter, note:

- 1) the claimed an apparatus for creating a local information label, the local information label comprising a plurality of category labels which identify categories of program content is met by column 5 lines 1 - 29, column 15 lines 3 - 19 and column 7 lines 5 - 10,
- 2) the claimed means for assigning a value to each of the category labels based on the received answers is met by column 5 lines 20 - 40 and column 7 lines 28 - 40,
- 3) the claimed means for forming the local information label based on the values assigned to each of the category labels is met by column 5 lines 20 - 40 and column 7 lines 28 - 40 (local information label is exclusion code formed from inputting values for category label),

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except for:

1) the claimed means for presenting questions to a user which are related to the category labels,

2) the claimed means for receiving answers to the questions presented to the user.

Regarding 1) and 2), West discloses of inputting information as to the PIN#, the rating system(s), and the censorship ratings, for the plurality of household members. West also discloses that the apparatus prompts the user for information like "ENTER YOUR PIN NUMBER". In addition West suggests presenting questions to the user for obtaining the desired information. It would have been obvious to present to the user "ENTER YOUR PIN NUMBER" in the form of a question to obtain the needed information. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a means for presenting questions to a user which are related to the category labels and to include a means for receiving answers presented to the user to obtain the needed information for forming the individual labels.

Considering claim 17, West does not specifically disclose the claimed wherein the questions presented to the user are indirectly related to the category labels.

It would have been obvious to include questions presented to the user in the invention of West (claim 16). West disclose of assigning and inputting PIN# for the plurality of household members. It would have been obvious that the PIN# were indirectly related to the category labels. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that questions presented to the user were indirectly related to the

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category labels because the PIN# was used to access the information and category label for each individual and was not part of the information or category label thus resulting in an indirect relationship, whereas the censorship ratings formed the information or category label and would have been directly related to the information/category label as discussed in claim 16.

Considering claim 18, West does not specifically disclose the claimed wherein the questions presented to the user are descriptive phrases which describe the categories of program content associated with the category labels.

It would have been obvious to present questions to the user regarding the censorship ratings in the invention of West (claim 16). West discloses of describing the content of the of the programming with descriptive phrases by pressing a button to provide the user with the descriptive phrases which describe the categories. It would have been obvious to present the user with questions with descriptive phrases which describe the categories of program content associated with the category labels. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to present the user with descriptive phrases which describe the categories of program content associated with the category labels because it would have been known to provide the user with descriptive phrases which describe the categories as disclosed by west and it would have been obvious to include descriptive phrases when prompting the user to input the ratings because it would have been known that the phrases would have described the categories for inputting ratings.

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Considering claim 22, West discloses the following claimed subject matter, note the claimed an apparatus for selecting a local information label for a program user is met by column 5 lines 3 - 40, except for:

- 1) the claimed means for storing a plurality of local information labels associated with a plurality of user ages,
- 2) the claimed means for inputting an age of the user,
- 3) the claimed means for activating one of the plurality of local information labels based on the input age of the user.

Regarding 1), 2), and 3), West discloses of storing a plurality of local information labels associated with a plurality of household users, wherein each of the household members is assigned a PIN for identification means for tv access where each PIN is associated with an information label which is stored in memory and is activated with inputting a PIN number. West also cites that household members are assigned a PIN number with a different level of censorship with respect to different ages (col 5 lines 31 - 40). It would have been obvious to utilize the age as PART of the pin number since the age of the individual would have been an easy number to remember. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to store a plurality of local information labels associated with a plurality of user ages and means for inputting an age as part of PIN # to activate one of the information labels because it would have been obvious that utilizing an the age as PART of the PIN number would have provided a simpler means for remembering a PIN number.

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Considering claim 27, West discloses the following claimed subject matter, note:

1) the claimed a method of forming a local information label, the local information label comprising at least one local category label which identifies a category of program content, said at least one local category label having an associated value which identifies an acceptable level of program content is met by column 5 lines 3 - 40,

2) the claimed presenting a program to a user is met by column 4 lines 48 - 67 and column 5 lines 1 - 3,

3) the claimed presenting to the user a representation of a transmitted category label having a value which identifies the content of the program is met by column 5 lines 3 - 40,

4) the claimed receiving an indication from the user that the content of the program is at least one of unacceptable and acceptable is met by column 5 lines 3 - 40 (based on user input code),

except for:

1) the claimed modifying the value associated with the local category label based on the received indication from the user that the content of the program is at least one of unacceptable and acceptable,

2) the claimed forming the local information label on the modified value associated with the local category label.

Regarding 1) and 2), West discloses of assigning censorship ratings for each member of the household. It would have been obvious to one skilled in the art that a means of modifying the

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local label to that of acceptable or unacceptable would have been to modify the local label and modifying the local label to acceptable or unacceptable status would have provided the user with added control of censorship. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify and form the local label based on the indication from the user that the content is acceptable or unacceptable in the invention of Olivo because added control and greater flexibility in controlling the censorship would have been expected.

Considering claim 28, West does not specifically disclose the claimed wherein the modifying step comprises reducing the value associated with local category label such that it is less than the value associated with transmitted category value.

West discloses of modifying the value of the local category label to customize the value for each member of the household. It would have been obvious that in allowing or censoring the programming material the category label would have been either higher or lower than the value of the transmitted category label. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made modifying the local category label would have resulted in a value less than the value associated with transmitted category label because it would have been obvious that the lower or higher value of the local category label with respect to the transmitted label would have permitted access or provided censorship of the programming material.

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Considering claim 29, West discloses all the claimed subject matter, note the claimed further comprising the step of blocking at least a portion of the program of substituting program material for objectional material when the value associated with the local category label is less than the value of the transmitted category label is met by column 7 lines 11 - 28.

Considering claim 30, West discloses the following claimed subject matter, note:

1) the claimed an apparatus for forming a local information label, the local information label comprising at least one local category label which identifies a category of program content, said at least one local category label having an associated value which identifies an acceptable level of program content is met by column 5 lines 2 - 19,

2) the claimed means for presenting a program to a user is met by column 1 lines 4 - 9,

3) the claimed means for receiving an indication from the user that the content of the program is at least one of unacceptable and acceptable is met by column 5 lines 3 - 40 (based on user input code),

except for:

1) the claimed means for modifying the value associated with the local category label based on the received indication from the user that the content of the program is at least one of unacceptable and acceptable,

2) the claimed means for forming the local information label based on the modified value associated with the local category label.

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Regarding 1) and 2), West discloses of assigning censorship ratings for each member of the household. It would have been obvious to one skilled in the art that a means of modifying the local label to that of acceptable or unacceptable would have been to modify the local label and modifying the local label to acceptable or unacceptable status would have provided the user with added control of censorship. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify and form the local label based on the indication from the user that the content is acceptable or unacceptable in the invention of Olivo because added control and greater flexibility in controlling the censorship would have been expected.

Considering claim 31, West does not specifically disclose the claimed further comprising means for indicating whether the modification of the value associated with the local category label is to be temporary or permanent. Please refer to claim 30 for reasons of obviousness.

Considering claim 32, West discloses all the claimed subject matter, note the claimed wherein the means for receiving an indication comprises a button on a remote control device, the button being associated only with the local information label is met by column 9 lines 2 - 15.

Considering claim 33, West does not specifically disclose the claimed wherein the means for receiving an indication comprises a voice recognition system.

West discloses of censorship of programs and control of airtimes of tv watching in a household wherein a plurality of members in the household are assigned PIN numbers for identification to access tv programs. The head of the household has a PIN number for

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identification to modify the labels for each household member. A means of identification by a voice recognition system would have been well known in the art and would have been obvious. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that a means of identification of the plurality of users in the household would have been required in the invention of West, and it would have been obvious to have used a voice recognition system as a means for identification because it would have been obvious a means of identification would have been required to identify the plurality of members using the tv in a household to control the local labels, and voice recognition as a means of identification would have been well known in the art.

Considering claim 37, West discloses:

- (1) means for storing a program signal and a transmitting information label (col. 5 lines 1 - 40),
- (2) means for storing local information label (col. 5 lines 1 - 40, transmitted information is stored locally),

except for:

- (1) means for modifying the local information label based on the transmitted information label.

West discloses a means of transmitting an information label and storing the information label locally for comparison to a stored label generated by the a viewer. It would have been obvious that the local stored label would have been modified based on the label transmitted during

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a change of ratings resulting from a change of programming to compare the local stored label with the label generated by the viewer for blocking out obscene programming. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that local information label in West would have been modified based on the transmitted information label to provide blocking of programming when the transmitted program and rating has been changed.

Considering claim 44, West discloses:

(1) means for storing a local label associated with at least one user (col. 5 lines 1-40)  
(2) means for selecting local information label associated with at least one user based upon the identification of at least one user (col. 5 lines 1-40, col. 7 lines 29-40).

except for:

(1) means for identifying at least one user, wherein at least one user is identified via one of voice recognition, physical feature recognition or fingerprint recognition.

The Examiner takes official notice that voice recognition, physical feature recognition or fingerprint recognition would have been known as an effective means of identification of an individual. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify West to include fingerprint recognition, physical feature recognition, or fingerprint recognition because these forms of identification would have been known to be effective.

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Considering claim 45, West discloses an information access system in which the information has associated therewith an information label which specifies at least one aspect of the content of the information and determining at least one aspect of the content of the information based upon its associated information label but fails to disclose the claimed scheduling the presentation of an advertisement based upon the at least one aspect of the content of the information.

The Examiner Takes Official Notice it would have been well known in the art to schedule an advertisement presentation to obscene material based on the content of the material. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify West to include the claimed scheduling a presentation to prevent the viewing of obscene material.

Considering claim 46, West fails to disclose the claimed wherein the advertisement is scheduled to be presented within a predetermined time after the at least one aspect of the content of the invention.

As discussed in claim 45, it would have been obvious to schedule an advertisement. It would have been obvious to present the advertisement within a predetermined time after the content to prevent the viewing of obscene material. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify West to include the claimed limitation to prevent the viewing of obscene material.

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Considering claim 47, West fails to disclose the claimed information label specifies at least a level and type of content related to sex or violence, and wherein the advertisement is scheduled to be presented within a predetermined time after the determination of sex or violence in the information.

The Examiner Takes Official Notice it would have been well known to schedule an advertisement for viewing after determining the content contains sex or violence to prevent viewing of this obscene material. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify West to include the claimed limitation to prevent viewing of the obscene material.

Considering claim 48, West discloses storing an information label associated with one user and selecting a local information label based upon the identification of at least one user. West fails to disclose the claimed identifying at least one user based upon recognition of the voice, finger print or other physical feature of at least one user.

The Examiner Takes Official Notice it would have been well known in the art to utilize voice, finger print, or other physical feature as means for identification to provide access to only authorized persons. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify West to include the claimed limitation to prevent un-authorized access to the system.

Considering claim 49, West discloses receiving at a user station information which is associated with an information label that specifies at least one aspect of the content of the

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information. West fails to disclose the claimed storing about the received information in association with the identity of the user in response to the information label associated with the received information to compile a history of information use for the user.

The Examiner Takes Official Notice it would have been well known in the art to utilize this method for compiling a history of information use for the user to provide for the user information which a user would find useful and interesting. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify West to include the claimed limitation to provide useful and interesting programming to a user.

Considering claim 50, West fails to disclose the claimed additional steps of presenting to a user a menu of information.

The Examiner Takes Official Notice it would have been well known in the art to provide a menu of information based on the stored history of the user to provide a menu of useful and interesting programming options. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify West to include the claimed limitation to provide the user with a menu of interesting programming options.

Considering claim 51, West fails to disclose the claimed additional step of receiving information based upon the stored history.

The Examiner Takes Official Notice it would have been well known in the art to receive information based on the stored history to compile a list of programs which a user would find interesting. Therefore, it would have been obvious to one having ordinary skill in the art at the

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time the invention was made to modify West to include the claimed limitation to provide a list of interesting programs for the user.

Considering claim 52, West discloses receiving at the user location information which has associated therewith an information label and generating an indication that the user finds the information acceptable or unacceptable. West fails to disclose the claimed creating a local information label based at least in part upon the information label associated with the received information in response to said indication.

It would have been obvious to modify West to include creating a local label based in part upon the received information to provide a user with content information before creating an information label thus providing the user with more flexibility. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the claimed limitation to provide the user with added flexibility in creating the information label.

Considering claim 53, West fails to disclose the claimed modifying the existing information label. Please see claim 27 for obviousness reasons.

Considering claim 54, West discloses the claimed storing the local information label at the user station (since the a local label is created and compared to a transmitted label).

3. Claims 23 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Clanton.

Considering claim 23, West discloses the following claimed subject matter, note:

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1) the claimed means for receiving at a user station a program which includes a program signal and a transmitted information label having at least one category label value which identifies a content of the program signal is met by column 4 lines 58 - 67 and column 5 lines 1 - 40,

2) the claimed means for storing an identification code of the user for each program presented to the user is met by column 5 lines 1 - 40 (stored user ID provides access to programs),

except for:

1) the claimed means for storing the at least one category label value for programs presented to the user to compile a viewing history for the user.

West discloses of presenting to the user programming which can be censored from the user location. Clanton also discloses of providing programming to the user, and teaches of a server providing to the user the user viewing preferences (col 7 lines 50-58). It would have been obvious to provide the user in the invention of West user preferred programming by storing the category label for programs presented to the user by compiling a viewing history. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the user in the invention of West, user preferences based on the viewing history of the user, as taught by Clanton, because it would have been obvious that providing the user with user preferences based on user viewing history would provide the user with programming that the user would want and enjoy.

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Considering claim 24, West does not specifically disclose the claimed further comprising means for presenting to the user a menu of programs based on the viewing history for the user.

West discloses of presenting to the user programming which can be censored from the user location. Clanton also discloses of providing programming to the user, and teaches of a server providing to the user the user viewing preferences. It would have been obvious to provide the user in the invention of West user preferred programming. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the user in the invention of West, user preferences based on the viewing history of the user, as taught by Clanton, because it would have been obvious that providing the user with user preferences based on user viewing history would provide the user with programming that the user would want and enjoy.

Considering claim 25, West does not specifically disclose the claimed further comprising means for presenting to the user a menu of programs based on the input signal which indicates the user's level of enjoyment of a program. Please refer to claim 24 for reasons of obviousness.

Considering claim 26, West does not specifically disclose the claimed further comprising means for presenting to the user a menu of programs based on the input signal which indicates the user's level of enjoyment of a program. Please refer to claim 24 for reasons of obviousness.

4. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olivo.

Considering claim 34, Olivo discloses

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a program having a program information label which rates the instantaneous content of the program at least two levels is met by column 14 lines 30 - 53 (alternate programming),

2) the claimed scanning the program information label to ascertain the instantaneous content level of the program over the duration of the program is met by column 14 lines 30 - 53,

3) scheduled alternate programming within the program at a time based on the instantaneous content level of the program information label is met by column 14 lines 30 - 53 (alternate programming is scheduled to be displayed during obscene materials),

except for:

1) the claimed determining one of a plurality of advertisements to be run during said program based upon the instantaneous content level of the program.

Olivo discloses of displaying alternate scenes corresponding to the program material in context but of more acceptable content (col 7 lines 48-51). The Examiner Takes Official Notice it would have been well known to display an advertisement selected from a group of advertisements to prevent the viewing of obscene material. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Olivo to include the claimed limitation to prevent the display of obscene material.

5. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Abecassis, and further in view of Olivo (5,172,111).

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Considering claim 42, West or Abecassis do not specifically disclose the claimed wherein the received information is a television program signal and the associated information content label is provided in each frame of the program signal.

West, Abecassis, and Olivo all disclose of transmitting and information label the user for editing the content of a program. Olivo discloses of receiving a television signal and teaches that by providing information label for each frame of the program signal, each frame of the signal can be censored or allowed depending on the program content (col 3 lines 25-44). It would have been obvious to modify the invention of West to include an information label for each frame of the program signal. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify the invention of West to include and information label for each frame of the program signal as taught by West because it would have been obvious that allowing or censoring each video frame would have provided flexibility such that only the undesired portions of the program would be censored in lieu of the entire video program.

6. Claims 38, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of Olivo.

Considering claim 38, West discloses:

1) the claimed In an information access system, a method for creating a local information label for use in controlling access to information which has associated therewith an information label related to the content of the information (col 5 lines 20-52 and col 6 lines 42-62),

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2) the claimed providing to a user a plurality of category labels each identified by a standardized description of a particular type of information content (col. 18 lines 29-32, col. 5 lines 20-40, providing to a user a plurality of category labels is met by transmitting a plurality of category labels for a plurality of television programs).

3) the claimed prompting the user to input a value which is indicative of an amount of said information content into the information access system for each of the category labels (col. 18 lines 29-32, col. 5 lines 20-40, West inherently discloses prompting the user to input a value indicative of an amount of information content into the information access system for each of the category labels since a local category label is formed by user inputting rating values to block the undesired portions of programming).

4) the claimed creating a local information label based upon each of the category labels in response to the input values (col. 18 lines 29-32, col. 5 lines 20-40, West inherently discloses the claimed limitation since values must be inputted to form a local category label to block out portions of undesired programming),

except for:

1) the claimed receiving information as frames of a signal and providing for prevention of access to a part of each frame which does not have information content which compares favorably with the local information label.

West discloses blocking out programming that is not appropriate to viewers. Olivo discloses utilizing ratings input by a viewer to block out only those frames of programming that

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are not appropriate thus enabling the viewer to receive the rest of the programming. The Examiner takes official notice that blocking out portions of frames by blurring or bleeping out profanity would have been well known in the art to prevent the user receiving in-appropriate programming. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify West based on the teaching of Olivo and knowledge in the art to include the claimed limitation to enable the viewer to receive those frames which are appropriate and blocking those that are not.

Considering claim 39, West specifically disclose the claimed wherein the information content includes subcategories of at least violence and sex (col. 18 lines 29-32).

Considering claim 40, West discloses the claimed wherein the information access system stores the local information label, the received information including an associated information content label which varies.

*Allowable Subject Matter*

7. Claims 35 and 36 are allowed.

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***Response to Arguments***

**Applicant's Arguments / Examiner's Responses**

(1) Even assuming that West et al system asks a “question” when it requests the users PIN number, the answer to that “question” does nothing to create an local label.

When the user inputs a PIN number, a local label with respect to that PIN number is generated or formed (as claimed).

(2) Claims 27 to 30 are directed to an aspect of the invention which nowhere taught or even suggested by West. Specifically, these claims are directed to the creation of a local information label based upon the reaction of the user while actually receiving information.

The Examiner concurs that West does not disclose modifying the value associated with local category label based on the received indication form the user. However, as provided in the rejection, it would have been obvious to include this feature.

(3) The Examiner acknowledges that West does not disclose the creation of a viewing history for an individual user. It is respectfully submitted that Clanton does not either..

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The Examiner respectfully disagrees. Clanton does indeed create a history for users. However, if Applicants assertion was correct, and Clanton did not create a viewing history for an individual history, this feature is not novel in any way or form and as a result, is not patentable.

(4) The disclosure of Olivo does not teach of even remotely suggest the scheduling of advertisements, let alone doing it based on information content of the information being transmitted.

The Examiner concurs. Please new grounds of rejection above.

(5) Yet, in spite of the potential to forget a PIN, West does not suggest voice recognition, physical characteristic recognition or the like in lieu of a PIN. It would seem, therefore, unfair and perhaps hindsight to maintain the rejection.

The Examiner concurs that West does not disclose this feature. However, these features are well known in the art and it would have been obvious to modify West to include these features. Therefore, hindsight was not used in this rejection.

*Conclusion*

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308- 5399 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The examiner can normally be reached on Monday - Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS ~~9/21/00~~  
9/10/00

Nathan Flynn  
Primary Examiner